

**FINAL STATEMENT OF REASONS FOR
TTU STANDARDIZED PERMIT
Department Reference Number: R-96-57**

AUTHORITY AND REFERENCE

The authority under which these regulations are being proposed is Health and Safety Code (HSC) sections 25150, ~~25201.6~~, and 58012, authorizing DTSC to adopt or amend the proposed regulations. References for these proposed regulations ~~are~~ is HSC sections 25150. ~~and 25201.6.~~

PROBLEM, REQUIREMENT OR OTHER CONDITION ADDRESSED

This rulemaking amends Division 4.5 of Title 22, California Code of Regulations (CCR) by adding a new section 66270.67 - Standardized Transportable Treatment Unit Permit. These regulations are being adopted pursuant to sections 25150, ~~25201.6(b)~~, and 58012.

LOCAL MANDATE DETERMINATION

DTSC has determined that the proposed regulations impose no new local mandates.

ALTERNATIVES CONSIDERED

DTSC has determined that no alternative to these regulations would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome the affected industries that the proposed regulations.

DETAILED STATEMENT OF REASONS/NONCONTROLLING PLAIN ENGLISH SUMMARY

Section 66270.67. Standardized Transportable Treatment Unit Permit.

All proposed regulation changes are under this section.

66270.67(a):

This is a new subsection that sets forth applicability requirements for a TTU Standardized Permit. Under the proposed regulations the owner or operator of a TTU that conducts any of the following treatment activities at an onsite or offsite facility, not subject to a RCRA permit, is ~~required~~ eligible to hold a TTU Standardized Permit: treatment of reactive

wastes, and treatment of extremely hazardous wastes. These requirements are necessary to detail operating standards and requirements appropriate for TTUs not eligible for operation under the lower permitting tiers (PBR, Conditional Authorization, and Conditional Exemption). ~~In addition, this subsection excludes treatment processes and wastestreams from eligibility for a Standardized Permit pursuant to section 66270.69. The treatment processes or wastestreams that are not eligible for a TTU Standardized Permit are: (1) used oil recycling activities as defined in HSC section 25250.1; (2) recycling or reclamation of federally regulated solvents identified by U.S. Environmental Protection Agency (U.S. EPA) hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31; and (3) units that are not authorized to operate pursuant to Title 22, CCR, chapter 14 or chapter 15 that engage in incineration, thermal destruction or land disposal. This subsection is needed for clarification and consistency with section 66270.69.~~

66270.67(a)(1):

This is a new subsection that sets forth the applicable requirements for a TTU Standardized Permit pursuant to section 66270.69, Standardized Permit. Under this subsection used oil recycling activities as defined in HSC section 25250.1 are not eligible for a TTU Standardized Permit. This subsection is needed for clarification and consistency with section 66270.69.

66270.67(a)(2):

This is a new subsection that sets forth the applicable requirements for a TTU Standardized Permit pursuant to section 66270.69, Standardized Permit. Under this subsection recycling or reclamation of federally regulated solvents (U.S. EPA hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31) are not eligible for a TTU Standardized Permit. This subsection is needed for clarification and consistency with section 66270.69.

66270.67(a)(3):

This is a new subsection that sets forth the applicable requirements for a TTU Standardized Permit pursuant to section 66270.69, Standardized Permit. Under this subsection incineration, thermal destruction or land disposal are not eligible

for a TTU Standardized Permit. This subsection is needed for clarification and consistency with section 66270.69.

66270.67(b)(15):

This is a new subsection that requires the owner or operator of a TTU to satisfy financial responsibility requirements pursuant to ~~section 66270.14(b)(17)~~ **article 8 of chapter 14**. This requirement is needed to demonstrate the owner or operator's ability to pay for complete closure and cleanup of the TTU operation.

66260.67(d):

This is a new subsection that explains how a TTU, Standardized Permit application may be **issued**, modified, reissued, denied or revoked pursuant to Chapter 21, **except for subsection 66271.2(a). Subsection 66271.2(a) is excluded because subsection 66271.2(a) refers to Part A and Part B applications which are not applicable to this regulation.** It should be noted, this subsection does not preclude DTSC from initiating permit denial proceedings prior to sending three notices of deficiency. This requirement is necessary because the owner and operator should know, without any ambiguity, how DTSC **issues**, modifies, reissues, denies and revokes a permit.

66260.67(e):

This is a new subsection that requires the owner or operator of a TTU to fully comply with subsection (b) of this section before DTSC begins the processing of a TTU, Standardized Permit application. If owner and operator do not submit the required information stated in subsection (b), DTSC will submit a notice of deficiency to the applicant. Also, DTSC will start a permit denial process after sending three notices of deficiency to the owner and operator. This subsection is needed for clarification and consistency with section 66271.2(a)(2).

66260.67(e)(f):

This is a new subsection that requires the owner or operator of a TTU to comply with California Environmental Quality Act (CEQA) requirements. Unless DTSC determines that the TTU activity is exempt from CEQA requirements, the applicant must submit information

necessary to enable DTSC to prepare an Initial Study. This requirement is necessary because Standardized Permit facilities are subject to CEQA requirements pursuant to Public Resources Code section 21000 et seq.

66270.67(f)(g):

This is a new subsection that requires the owner or operator of a TTU to submit site-specific information as specified by subsections 67450.3(a)(3)(A) and (C) and a certification, signed by the owner or operator, specifying the local authorities that have been notified of the intended date(s) of operation pursuant to 67450.3(a)(3)(B) to DTSC for each site where the TTU(s) will perform treatment. This information is necessary so that DTSC is made aware of the location where treatment activities will be conducted and to ensure that local environmental agencies have been notified of the proposed operation. In addition this information is necessary so that the POTW agencies have adequate information to determine whether the discharge is acceptable and to make any arrangements that may be necessary to receive the discharge. The information requires: name, physical address and telephone number of the owner and operator the mailing address of the owner and operator, the TTU serial number, owner or operator's identification number and Board of Equalization account number, site or facility name, address or legal description of the site or facility location, site or facility identification number, site or facility contact person(s) and telephone number(s), identification of the influent waste(s), identification of the type of business generating waste(s) to be treated by the TTU, a plot plan detailing where the hazardous waste treatment will occur, the anticipated time periods(s) the unit will be at the site or facility, the anticipated date(s) and hour(s) the unit will be in operation, a description of the hazardous waste(s) to be treated, an estimate of the quantity or volume of hazardous waste(s) to be treated, an estimate of the quantity or volume of treatment effluent or residuals that will be discharged to a POTW, an estimate of the volume or quantity of treatment effluent or residuals that will not be discharged to a POTW, an explanation of how all treatment effluent or residuals will be managed, and the basis for determining that a hazardous waste facility permit is not required under the federal act. This information is necessary to confirm that the proposed treatment conforms to the requirements of subsection (c).

The site-specific information must be submitted at least twenty-one (21) days prior to each site visit so that DTSC will have enough time to review the information and act on it, if necessary. Upon good cause shown by the owner or operator, DTSC may allow for the shortening of the required time period. The information must be completed, dated and signed according to the requirements of section 66270.11. This information enables DTSC to understand how the owner or operator of the TTU(s) is operating at each new site and whether or not the owner or operator is complying with all applicable requirements set forth in section 66270.67.

66270.67(g)(h):

This is a new subsection that requires the owner or operator of a TTU, who is also the generator of the waste treated by the TTU, to remedy any release of hazardous waste or constituents at the site. The corrective action requirements imposed by this subsection do not apply to sites where a TTU, owned or operated by persons independent of the site, are operated. A TTU owner or operator who provides treatment service at a site but who does not generate the waste is not obligated to undertake a corrective action program. The corrective action requirement imposed by this subsection is necessary to implement HSC section 25200.10.

66270.67(h)(i):

This is a new subsection that specifies the conditions under which TTU(s) may be stationed and operated at a site. These conditions, which are specified in section 67450.3(a)(8) ~~and (9)~~, are: (1) TTU can be stationed or operated at a generator's site, at an onsite facility or at an offsite facility or location (not subject to RCRA permits) no more than 180 days within any 365-day period; (2) TTU(s) can be stationed or operated as part of site remediation, corrective action or closure activity, no more than one calendar year; (3) TTU(s) can only treat waste at an offsite facility if that offsite facility has a non-RCRA permit, grant of interim status, or other grant of authorization to manage the same wastestream with the treatment process to be used by the TTU; and (4) TTU(s) can be stationed or operated at an offsite facility, if the total processing rate for any wastestream, including all approved fixed units and TTUs, will not exceed, at any time, the capacity stated in the offsite facility's approved Part A permit application; ~~and (5) TTU(s) must be permanently marked with the name of the person that owns or operates the TTU, owner or operator's identification number and an individual serial number.~~ This requirement is necessary to ensure that the operation is conducted in a manner protective of public health.

66270.67(i)(k)(1):

This is a new subsection that requires the operator of rental equipment being used as a TTU to notify the rental equipment owner in advance of usage on how the rental equipment will be used. This requirement is necessary so that the owner of the rental equipment has a clear understanding of how the equipment will be used. These requirements are being imposed to ensure that public health and the environment are fully protected.

66270.67(i)(i)(2):

This is a new subsection that requires the operator of a TTU to properly ~~decontaminate the rental equipment after usage~~ **remove and/or decontaminate equipment, structures, soil and all collected materials and wastes after termination of the TTU operation. Also, all the contaminated materials and wastes must be removed by a registered hazardous waste transporter or as otherwise authorized by law.** This information enables DTSC to know how and when each rental TTU will be properly decontaminated and/or closed. These requirements are necessary to ensure that public health and the environment are protected.

66270.67(i)(i)(3):

This is a new subsection that requires the person who rented the TTU equipment to certify in writing to the rental equipment owner that the rental equipment has been properly decontaminated. These requirements are being imposed to ensure that public health and the environment are protected.

66270.67(i)(i)(4):

This is a new subsection that requires the person who rented the TTU equipment to keep copies of all correspondence for three years. This information is necessary for inspection and enforcement purposes.

66270.67(j)(k):

This is a new subsection that requires the owner or operator of a TTU to prepare and submit an annual report to DTSC as specified in section 67450.3(a)(12). This requirement is necessary so that the information describing the operation is kept current, and DTSC has continuing notice of the status of the TTU. Without this information, DTSC cannot be certain that a TTU is operating in compliance with applicable regulations.

66270.67(k)(l):

This is a new subsection that requires the owner or operator of a TTU to **maintain compliance** ~~comply~~ with specified requirements during TTU operations. The following paragraphs specify these requirements.

66270.67(K)(1):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with Article 2, General Facility Standards. The proposed regulations is necessary to ensure that the owner or operator comply with general facility standards, during TTU operations, such as: general waste analysis, security and inspection requirements, personnel training, etc. Comply with Article 2, would minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(2):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with Article 3, Preparedness and prevention. The proposed regulation is necessary to ensure that the owner or operator use all appropriate preventions during TTU operations in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(3):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with Article 4, Contingency Plans and Emergency Procedures. The proposed regulation is necessary to ensure that the owner or operator prepare appropriate contingency plans and emergency procedures that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(4):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 5, Manifest System, Recordkeeping and Reporting. The proposed regulation is necessary for recordkeeping.~~

66270.67(k)(5):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 7, Closure and Post-Closure requirements of a TTU. This information enables DTSC to know how and when each TTU will be properly decontaminated and/or closed. This requirement is necessary to ensure that the closure of the TTU(s) is being conducted in a manner protective of public health and the environment.~~

66270.67(k)(6):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 9, Use and Management of Containers. The proposed regulation is necessary to ensure that the owner or operator of the TTU manages containers in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(7):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 10, Tank Systems. The proposed regulation is necessary to ensure that the owner or operate of the TTU maintains and operates treatment in tanks in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(8):

~~This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 17, Chemical, Physical and Biological Treatment. The proposed regulation is necessary to ensure that the owner or operator of the TTU treats hazardous waste in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.~~

66270.67(k)(l)(1):

This is a new subsection that requires the operator of a TTU to maintain compliance with section 25200.2, of the HSC regarding facility and annual fees for TTU operation. Specifically, section 25200.2(b)(1) states that the operator of a TTU shall pay the same annual fee as facilities authorized to operate pursuant to a permit-by-rule which is specified in subdivision (a) of section 25205.14 of the HSC. Also, the operator of a TTU is exempt from paying the facility fee specified in section 25205.2 of the HSC for any year or reporting period during which the TTU was operating for any activity authorized under the permit, except as specified in subdivision (b) of Section 25205.12 of HSC. This requirement is necessary so to inform the owner or operator of the required annual and facility fees.

66270.67(k)(l)(2):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 25205.7. Section 25205.7 states, any person who applies for a new hazardous waste facility should enter into a written agreement with DTSC for the costs incurred by DTSC in processing the permit application or responding to the application request. This requirement is necessary so to inform the owner or operator of the requirement to enter into a written agreement with DTSC during the TTU permitting process.

66270.67(k)(l)(3):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.11, Identification Number Requirements. The proposed regulation is necessary to ensure that the owner or operator comply with the requirement to apply for an identification number. The proposed regulation is necessary for recordkeeping purposes.

66270.67(k)(l)(4):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.14, Security Requirements. The proposed regulation is necessary to ensure that the owner or operator comply with security

requirements during TTU operations. Compliance with this section would minimize the possibility of any unplanned entry to a site during TTU operation.

66270.67(k)(l)(5):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.15, General Inspection Requirements. The proposed regulation is necessary to ensure that the owner or operator complies with general inspection requirements during TTU operation. Compliance with section 66264.15 would minimize the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.

66270.67(k)(l)(6):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.17, General Requirements for Ignitable, Reactive, or Incompatible Wastes. The proposed regulation is necessary to ensure that the owner or operator takes precautions to prevent accidental ignition or reaction of ignitable or reactive waste during TTU operation. Compliance with section 66264.15, would minimize the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.

66270.67(k)(l)(7):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.114, Disposal or Decontamination of Equipment, Structures and Soils. This requirement ensures all contaminated equipment, structures and soils will be properly decontaminated and/or disposed of.

66270.67(k)(l)(8):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 7, sections 66264.117, Post-Closure Care and Use of

Property; 66264.118, Post-Closure Plan; 66264.119, Post-Closure Notices; and 66264.120, Certification of Completion of Post-Closure Care. The proposed regulation is necessary to ensure all hazardous waste, waste residues, contaminated materials and contaminated soils that are left behind during the closure process are being managed during the post-closure care period. Also, the proposed regulations are necessary to ensure that completion of post-closure care is accepted and certified by DTSC when the post-closure process is completed.

66270.67(k)(l)(8):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance chapter 14, with article 5, Manifest System, Recordkeeping and Reporting; article 9, Use and Management of Containers; and article 10, Tank systems. The following paragraphs specify these requirements.

66270.67(k)(l)(9):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66264.143, Financial Assurance for Closure. This requirement is needed to demonstrate the owner or operator-s ability to pay for complete closure and cleanup of the TTU operation.

66270.67(k)(l)(10)(A):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 5, Manifest System, Recordkeeping and Reporting. The proposed regulation is necessary for recordkeeping.

66270.67(k)(l)(10)(B):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 9, Use and Management of Containers. The proposed regulation is necessary to ensure that the owner or operator of the TTU manages containers in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.

66270.67(k)(l)(10)(C):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with article 10, Tank Systems. The proposed regulation is necessary to ensure that the owner or operate of the TTU maintains and operates treatment in tanks in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.

66270.67(k)(l)(11):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with **chapter 15**, article 17, Chemical, Physical and Biological Treatment. The proposed regulations is necessary to ensure that the owner or operator of a TTU to maintain compliance with article 17, Chemical, Physical and Biological Treatment. The proposed regulation is necessary to ensure that the owner or operator of the TTU treats hazardous waste in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water, which could threaten public health or the environment.

66270.67(k)(l)(12):

This is a new subsection that requires the owner or operator of a TTU to maintain compliance with section 66270.42, a Permit Modification at the Request of the Permittee. This requirement is necessary so that the owner or operator will notify DTSC of any changes or modifications (e.g., administrative information changes, equipment replacement, treatment, etc.) pursuant to section 66270.42.

66270.67(l)(m):

This is a new subsection that requires the owner or operator of a TTU shall comply with containment requirements of sections 66264.175 and 66264.193 if TTU treatments are conducted in containers and/or tanks respectively. The proposed regulation is necessary to ensure that the owner or operate of the TTU maintains and operates treatment in containers and/or tanks in a manner that minimizes the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to soil or surface water, which could threaten public health or the environment.

66270.67(m)(n):

This is a new subsection that requires the owner or operator of a TTU to maintain the final TTU Standardized Permit and related documents at the site. The owner or operator must make these documents available upon demand at the site to any representative of the DTSC, U.S. EPA or a local governmental agency. This information is needed for inspection and enforcement.

66270.67(n):

~~This is a new subsection that requires the director, in consultation with the Secretary for Environmental Protection, to conduct a review within five years of the effective date of the regulations in this section. The purpose of the review is to determine if subsequent changes in statutes, science, or other circumstances have occurred, rendering the regulations obsolete.~~

COMMENTS AND RESPONSE TO COMMENTS

No comments were received during the 45-day public comment period and public hearing.
No comments were received during the 15-day comment period.